



Belgium

Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 31, 2003

Belgium is a parliamentary democracy with a constitutional monarch who played a mainly symbolic role. The Council of Ministers (Cabinet), led by the Prime Minister, holds office as long as it retains the confidence of the lower house of the bicameral Parliament. Belgium is a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), and community (Flemish, Francophone, and German). The judiciary is independent.

The civilian authorities maintained effective control of all security forces. In a sweeping reorganization in 2001, the former Police Judiciare and the Gendarmerie merged at the federal level to form a federal police force responsible for internal security and nationwide law and order. Local Gendarmeries merged with local police forces and operated as local branches of the federal police in all 196 police districts.

The country, which had a population of approximately 10 million, was highly industrialized, with a vigorous private sector and limited government participation in industry. The primary exports were machinery and equipment. Gross domestic product in 2001 was estimated at \$230.3 billion. The economy, which grew at an approximate 2 percent annual rate during the year, provided a high standard of living for most citizens; there was little economic disparity.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Societal violence against women and religious minorities and trafficking in women and children remained problems, and the Government took steps to combat them. Belgium was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In March the Brussels Chamber of Indictment ruled that five ex-gendarmes (reorganized in 2001 as the federal police) must stand trial for their alleged roles in the 1998 death of Semira Adamu, a Togolese refugee, who died during her forced repatriation. Defendants in the 1991 killing of Andre Cools awaited trial at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and in general government officials did not employ them.

The operations of all police forces were integrated into a federal system and overseen by the Federal Police

Council and an anticorruption unit.

A delegation from the Council of Europe's Committee for the Prevention of Torture carried out one of its periodic visits to the country in late 2001. The delegation indicated that it had examined the procedures and means applied during the repatriation by air of foreign nationals, the implementation of the 1990 law on the protection of the mentally ill, and the situation in public establishments for youth protection and reviewed recommendations made after its 1993 and 1997 visits. In October the Government released the delegation's report. It addressed a limited number of allegations of ill-treatment by law enforcement officials, but did not indicate that there were any systemic abuses. The report made recommendations concerning the use of force and means of restraint during involuntary movement of prisoners, while noting that the Government already had taken numerous measures to reduce risks to prisoners. The report's principal concerns were violence between prisoners at Andenne Prison, chronic overcrowding at Antwerp Prison, and the operation of psychiatric care system in prisons.

Prison conditions varied: Newer prisons generally met international standards, while some older facilities nearly met international standards despite their Spartan physical conditions and limited resources. Overcrowding was a problem. In December the prison system, which was designed to hold 7,759 prisoners, held 8,673 prisoners according to government figures. However, construction projects that started during the year were expected to expand the prison system capacity by 870 persons. Men and women were held separately. In June the Government established a maximum-security facility for juvenile prisoners and no longer permitted them to be held in adult prisons. Juvenile prisoners routinely were released from detention whenever the maximum-security facility reached its limit. The Government did not hold convicted criminals and pretrial detainees in separate facilities. Families were allowed to visit prisoners without supervision. Approximately 300 prisoners nearing the end of their sentences lived at home under electronic surveillance at year's end. The Government permitted visits by independent human rights observers, and such visits took place during the year.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Arrested persons must be brought before a judge within 24 hours. Pretrial confinement was subject to monthly review by a panel of judges, which could extend pretrial detention based on established criteria (e.g., whether, in the court's view, the arrested person would be likely to commit further crimes or attempt to flee if released). At times lengthy pretrial detention was a problem. Bail exists in principle under the law but was granted rarely. In September 37.3 percent of the prison population consisted of pretrial detainees. Pretrial detainees received more privileges than did convicted criminals, such as the right to more frequent family visits. Arrested persons were allowed prompt access to a lawyer of their choosing or, if they could not afford one, to an attorney appointed by the State.

Fehriye Erdal, a Kurdish woman accused of involvement in a 1996 terrorist attack in Turkey, remained under house arrest pending trial at year's end.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system was organized according to specialization and territorial jurisdiction, with 5 territorial levels: Canton (225), district (27), provinces and Brussels (11), courts of appeal (5), and the Cour de Cassation, which was the highest appeals court.

Military tribunals tried military personnel for common law as well as military crimes. All military tribunals consisted of four military officers and a civilian judge. At the appellate level, the civilian judge presided; a military officer presided at trial. The accused had the right of appeal to a higher military court.

Each judicial district had a Labor Court, which dealt with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits (see Section 6.b.). There was also a magistrate in each district to monitor cases involving religious groups (see Section 2.c.).

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Charges were stated clearly and formally, and there was a presumption of innocence. All defendants had the right to be

present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

The federal prosecutor's office was responsible for prosecuting crimes involving nuclear materials, human trafficking, arms trafficking, human rights violations, and terrorism, as well as crimes against the security of the State.

The Summary Trial Act, which covers crimes punishable by 1 to 10 years' imprisonment, allows a prosecutor to issue an arrest warrant for the immediate appearance in court of an offender caught in the act of allegedly committing a crime. The warrant expires after 7 days, and the court must render its verdict within 5 days of the initial hearing. Defense attorneys challenged the summary trial procedures in May before the Cour de Cassation. The court upheld a civil conviction but did not address the summary trial question. Several human rights organizations claimed that summary trial violated the presumption of innocence and jeopardized the right to a full and fair defense.

A High Council on Justice supervised the appointment and promotion of magistrates. The Council served as a permanent monitoring board for the entire judicial system and was empowered to hear complaints against individual magistrates.

Several government reforms implemented in 1998 granted stronger rights to victims of crime. These measures allowed victims to have more access to information during an investigation, as well as the right to appeal if an investigation does not result in a decision to bring charges. The Government opened Justice Houses in each of the 27 judicial districts. These facilities combined a variety of legal services under one roof, including legal aid, mediation, and victim's assistance.

So-called universal competence legislation enacted in 1993 and revised in 1999 provided courts with jurisdiction over war crimes, genocide, and crimes against humanity, regardless of the location of the alleged crime or perpetrator; however, the Appeals Court ruled in June that the defendant must physically be present in the country before the case could proceed. In 2001 in the first trial based on this law, six Rwandans resident in Belgium were charged with war crimes in connection with the 1994 genocide in Rwanda. Four were convicted in 2001; however, in subsequent cases the scope of the law was limited by court rulings. In February the International Court of Justice (ICJ) in The Hague ordered the cancellation of a Belgian arrest order for former Democratic Republic of the Congo Foreign Minister Abdulaye Yerodia Ndombas. Citing the immunity of sitting ministers of foreign nations from criminal prosecution in Belgian courts, the ICJ struck down the verdict because Yerodia was in office when he was indicted. In June the Brussels Chamber of Indictment Court dismissed the criminal complaints against Israeli Prime Minister Ariel Sharon, Ivorian President Laurent Gbagbo, former Ivorian President Robert Guei, and two other former Ivorian Ministers. The court made no reference to the ICJ ruling, but rather noted Article 12 of Belgium's Criminal Procedure Code, which states that for crimes committed outside of Belgium, legal action can only be taken if the suspect is found on Belgian territory.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. There were restrictions on the press regarding libel, slander, and the advocacy of racial or ethnic discrimination, hate, or violence.

Several television and radio stations were subsidized wholly by the linguistic communities, government organizations below the federal level that represented the three official linguistic groups, rather than a geographic area; however, the Government had no official editorial control over content. The potential for political influence existed, as each station's operations were overseen by a board of directors that consisted of representatives of all the main political parties as well as representatives of the linguistic communities. All newspapers were privately owned, and the Government discontinued the direct subsidies formerly paid to them. Almost all homes have access to cable television from other West European countries and elsewhere. Satellite services also were

available.

The Government did not restrict Internet access.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Citizens were free to form organizations and establish ties to international bodies; however, the Antiracism Law prohibits membership in organizations that practice discrimination "overtly and repeatedly" (see Section 5).

In June military personnel protested wage and other grievances.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The law accords "recognized" status to Roman Catholicism, Protestantism (including evangelicals), Judaism, Anglicanism, Islam, and Orthodox Christianity (Greek and Russian), and these religions received subsidies from government revenues. Nonconfessional philosophical organizations (laics) served as a seventh recognized "religious" group, and their organizing body, the Central Council of Non-Religious Philosophical Communities of Belgium, received funds and benefits similar to those of the six recognized religions.

By law each recognized religion has the right to provide teachers at government expense for religious instruction in schools. For recognized religions, the Government paid the salaries, lodging, and retirement expenses of ministers and also subsidized the construction and renovation of church buildings.

The lack of independent recognized status generally did not prevent religious groups from freely practicing their religions, and citizens generally practiced their religion without official harassment or impediment. There was no provision in immigration law for noncitizen members of unrecognized religious groups to travel to the country for the purpose of paid or volunteer religious work, nor was there a provision for them to obtain work permits for that purpose. Nevertheless, the Government established temporary procedures in May by which at least one nonrecognized religious group, the Church of Jesus Christ of Latter-Day Saints, could bring in members from abroad temporarily to conduct missionary activities. The Government has not taken steps to make these temporary procedures permanent or indicated any intention of amending the law to allow other nonrecognized groups comparable access. Nonrecognized groups did not qualify for government subsidies; however, they could qualify for tax-exempt status as nonprofit organizations. There were no reported legal complaints of religious discrimination during the year.

In 1998 Parliament adopted recommendations from a 1997 commission's report on government policy toward sects, particularly sects deemed "harmful" under the law. The report divided sects into two broadly defined categories: It characterized a "sect" as any religious-based organization, and a "harmful sect" as a group that may pose a threat to society or individuals. Attached to the report was a list of 189 sectarian organizations that were mentioned during testimony before the commission. Although the introduction to the list clearly stated that there was no intent to characterize any of the groups as "dangerous," the list quickly became known in the press and to the public as the "dangerous sects" list. This list was not part of the report approved by Parliament.

Although the Government stated that it neither recognizes nor utilizes the list associated with its 1997 parliamentary inquiry, some groups continued to complain that their inclusion continued to cause discriminatory action against them. They maintained that the effect of the list was perpetuated by the existence of the Center for Information and Advice on Harmful Sects, a government-sponsored organization charged with monitoring religious groups and providing information about them to the public and the authorities. Although the Center has maintained that the 1997 list has no bearing on its work, the groups on which it focused were among those listed by the parliamentary inquiry. While the Center had no legal authority to declare any religious group harmful, some groups stated that the initial creation of the list, followed by the establishment of an organization that has monitored some groups from the list, caused negative assumptions and guilt by association.

The Government's legal case against the Church of Scientology remained unresolved. A complaint by a church member led to a 1999 raid and seizure of church documents. No charges were filed, and the Church tried unsuccessfully to have the seized documents returned. In February the Chamber of Indictment ruled that the Church of Scientology had kept files on its members in violation of the Privacy Act and therefore the Government was under no obligation to return them. The Church subsequently was notified officially that a tax investigation of its nonprofit status that began nearly 5 years earlier also remained open and active.

In the spring, there were several ant-Semitic incidents directed at Jewish communities including a number of incidents of arson and assault. Jewish authorities described the atmosphere as hostile and frightening, and the Government deemed a police presence around some synagogues during worship services necessary at year's end. Local police addressed the problem on a case-by-case basis with the various synagogues.

In addition, other religious groups complained of societal discrimination, particularly groups that have not been accorded official recognized status by the Government or those associated primarily with immigrant communities.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law includes provisions for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provided first asylum. During the year, it received more than 18,805 asylum applications, 25 percent fewer than in 2001, and nearly 60 percent fewer than in 2000. Authorities believed that the decline in the rate of applications was primarily due to its discontinuing monthly disbursements of several hundred euros that previously were given to asylum applicants during the lengthy period before each case was closed. Except for an extremely modest incidental allowance, applicants were required to go to open reception centers to receive room, board, and basic services. Approximately 70 percent of all asylum cases were resolved within 8 weeks. The Government reported that its 39 reception centers for applicants were approximately 80 percent full.

In response to complaints about slow processing time and the large backlog of asylum applications, the Government in 2001 adopted a "last in, first out" policy in processing new applications that was intended to reduce processing time for applicants. Although a backlog of more than 30,000 cases remained at year's end, that was a reduction of 10,000 since the end of 2001. The Government's concerted effort reduced the backlog and greatly reduced the average asylum processing time.

The nationality code allows refugees to apply for naturalization after living legally in the country for 2 years.

The Government, in partnership with the International Organization for Migration (IOM), provided relocation assistance to unsuccessful asylum applicants who agreed to repatriate voluntarily to their country of origin. Unsuccessful applicants who did not leave voluntarily were subject to deportation.

Undocumented asylum seekers arriving by air, whose claims do not appear legitimate as determined by immigration officials, were not allowed to enter but were held in a closed detention center at the airport while awaiting deportation or voluntary repatriation. The children of such asylum seekers did not attend school. Those applicants whose claims appear to be legitimate were released to a system of 39 reception centers for shelter and assistance. These centers had a total capacity of 7,000 beds.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens ages 18 and older exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting in all elections was compulsory, and failure to vote was subject to a nominal fine. Direct popular elections for parliamentary seats (excluding some Senators elected by community councils and others elected by Senate members) are held at least every 4 years. Opposition parties operated freely.

The Government was responsible for security, justice, social security, and fiscal and monetary policy. The regional governments were charged with matters that directly affect the geographical regions and the material wellbeing of their residents, such as commerce and trade, public works, and environmental policy. The linguistic community

councils handle matters more directly affecting the mental and cultural well-being of the individual, such as education and the administration of certain social welfare programs.

The existence of communities speaking Dutch, French, and German created significant complexities for the State. Most major institutions, including political parties, are divided along linguistic lines. National decisions often take into account the specific needs of each regional and linguistic group.

The law prohibits federal funding for political parties that espouse discrimination. In 2001 the Brussels prosecutor charged three nonprofit organizations linked to the Vlaams Blok party with violations of the law. The district court held that it was not competent to hear the case. The prosecutor and the Center for Equal Opportunities and Opposition to Racism, an autonomous governmental entity, appealed the decision, and a ruling is expected in 2003.

In Parliament there were 36 women in the 150-seat Chamber of Representatives, and 21 of 71 Senators were female. Of 17 ministers, 3 were female. In May Parliament adopted legislation that requires an equal number of male and female candidates on party tickets for all future regional and federal elections. Data was not available on the number of members of minorities represented in Parliament or who have leading positions in the Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on these factors, and the Government enforced these laws. In February Parliament adopted a constitutional amendment that more clearly states the equality of men and women. In December legislation broadening the scope of existing anti-racism legislation and stiffening penalties for violations was enacted. With Dutch, French, and German as official languages, the country had a complex linguistic regime, including language requirements for various elective and appointive positions. The law prohibits the official financing of any racist or xenophobic party or any party that does not respect human rights (see Section 3).

Women

Societal violence against women was a problem. The law defines and criminalizes domestic violence with the aim of protecting married and unmarried partners. The law allows social organizations to represent victims of domestic violence in court with the victim's consent. The law allows police to enter a home without the consent of the head of household when investigating a domestic violence complaint. According to its proponents, the police do not use the law enough. By year's end, the Government still had not implemented other provisions of the law that required it to establish and maintain a database of accurate statistics on domestic violence. Spousal rape was illegal, but no data was available on the number of persons charged or convicted of spousal rape during the years.

A number of government-supported shelters and telephone help lines were available across the country. In addition to providing shelter and advice, many offered assistance on legal matters, job placement, and psychological counseling for both partners. Approximately 80 percent of these organizations' budgets were provided by one of the three regional governments.

The law prohibits organizing prostitution or assisting immigration for the purpose of prostitution, but not prostitution itself. A 1995 law defined and criminalized trafficking in persons; however, trafficking in women remained a problem (see Section 6.f.).

Sexual harassment is illegal. The Government implemented procedures to monitor sexual harassment claims. Antisexual harassment provisions were strengthened with Parliament's adoption of the Sexual Harassment Act in June. Victims of sexual harassment had the right to sue their harassers under existing law, and according to the law, sexual harassment can be a form of sexual discrimination. The Act prohibited discrimination in hiring, working conditions, promotion, wages, and contract termination. Despite these laws, most cases of sexual harassment were resolved informally. A study by the Ministry of Defense in 2000 found that 54 percent of women in the armed forces had been subjected to abusive language, 36 percent had experienced unwelcome physical contact, and 4.6 percent reported being the victim of sexual harassment involving physical violence.

The equal treatment of men and women is provided for in the Constitution, law, and treaties incorporated into law. The Government actively promoted a comprehensive approach to the integration of women at all levels of decisionmaking. The Division of Equal Opportunity, a part of the Ministry of Labor, focused on issues affecting women, including violence against women, sexual harassment, and the participation of women in the political process. The net average salary for a woman was 84 percent of the national net average salary. In 1996, the last year for which comparative statistics were available, women in blue-collar jobs earned 79 percent of the salary of their male counterparts. The average salary for women in white-collar jobs was 70 percent of the salary of their male counterparts.

Children

The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. It provided free compulsory education from ages 6 to 18. The Francophone and Flemish communities had agencies specifically dealing with children's needs.

In 2000 Parliament amended the Constitution to include an article on children's rights. The new article provides that every child has the right to respect for his or her moral, physical, mental, and sexual integrity. There were comprehensive child protection laws. The law combats child pornography by applying severe penalties for such crimes and against those in possession of pedophilic materials. The law permits the prosecution of Belgian residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children cannot receive parole without first receiving specialized assistance and must continue counseling and treatment upon their release from prison. A Senate report in July indicated that not all courts apply the laws equally; the differences were attributed to inconsistent prosecutorial efforts. In 2001 a new youth protection act entered into force to provide better protection against sexual exploitation, abduction, and trafficking.

There was no societal pattern of abuse directed against children.

Child prostitution was a problem but was not widespread. Trafficking in children was a problem (see Section 6.f.).

Government and private groups provided shelters for runaways and counseling for children who were abused physically or sexually. Child Focus, the government-sponsored center for missing and exploited children, reported that it handled 2,065 cases in 2000. Nearly 48 percent of the reported cases concerned runaways, and 27 percent involved abduction by parents. Approximately 8 percent were pedophilia cases. Child Focus also reported that in 2001 the number of reported cases of missing children rose by 14.5 percent over the previous year. The vast majority of these cases continued to be teenage girls.

Persons with Disabilities

The law provides for the protection of persons with disabilities from discrimination in employment, education, and in the provision of other state services. There were no reports of societal discrimination against persons with disabilities. The Government mandated that public buildings erected since 1970 be accessible to such persons and offered subsidies to encourage the owners of other buildings to make necessary modifications; however, many older buildings were not accessible.

The Government provided financial assistance for persons with disabilities. It gave special aid to parents of children with disabilities and to parents with disabilities. Regional and community programs provided other assistance, such as job training. Persons with disabilities were eligible to receive services in any of the three regions (Flanders, Wallonia, or Brussels), not just their region of residence.

National/Racial/Ethnic Minorities

Belgium is a pluralistic society in which individual differences generally were respected, and linguistic rights in particular generally were protected. Approximately 60 percent of citizens were native Dutch speakers, 40 percent French speakers, and less than 1 percent German speakers.

The Antiracism Law penalizes the incitement of discrimination, hate, or violence based on race, ethnicity, or nationality. It is illegal for providers of goods or services (including housing) to discriminate on the basis of any of these factors and for employers to consider these factors in their decisions to hire, train, or dismiss workers.

In 2001 the Government-sponsored Center for Equal Opportunity and the Fight Against Racism, which was tasked

with investigating complaints of discrimination based on race, handled 1,246 complaints, 5 percent of which led to court action. In its 2001 report, the Center attributed the increased number of complaints in 2001 (after 3 consecutive years of decline) to the events of September 11 overseas. However, the two principal categories of complaints--discrimination in the workplace and in the provision of public services--remained unchanged over the past 5 years.

Section 6. Worker Rights

a. The Right of Association

Under the Constitution, workers have the right to associate freely, including the freedom to organize and to join unions of their own choosing. The Government did not limit such activities, and workers fully and freely exercised their right of association. Approximately 60 percent of employed and unemployed workers were members of labor unions. Unions were independent of the Government but have important links with major political parties. The Government did not require unions to register.

The law prohibits discrimination against organizers and members of unions and protects against the termination of contracts of members of workers' councils, members of health or safety committees, and shop stewards. Employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities or to pay an indemnity; however, payment of the indemnity reportedly was much more common than reinstatement. Effective mechanisms such as labor courts in each district existed for the adjudication of disputes between labor and management (see Section 1.e.).

Unions were free to form or join federations or confederations and were free to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively was recognized, protected, and exercised freely. Every other year, the employers' federation and the unions negotiate a nationwide collective bargaining agreement, covering 2.4 million private sector workers, that establishes the framework for negotiations at the plant and branch levels. During the year, employers and unions reached a nationwide collective bargaining agreement that set the benchmark for wage increases at 5.4 percent. It included an agreement on providing early pensions to workers who lose their jobs before reaching the retirement age of 58.

Organized workers, including civil servants, had the right to strike; however, members of the merchant marine, the military, and magistrates did not. The federal and local police forces had the right to strike; however, the Government could order necessary personnel back to work to maintain law and order. There were no significant strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age of employment for children was 15. Youths between the ages of 15 and 18 could participate in part-time work/study programs and work full time during school vacations. The labor courts effectively monitored compliance with national laws and standards. There were no industries where any significant child labor exists.

e. Acceptable Conditions of Work

The monthly national minimum wage for workers over 21 years of age was approximately \$1,050 (1,163 euros); 18-year-olds were required to be paid at least 82 percent of the minimum, 19-year-olds 88 percent, and 20-year-olds 94 percent of the minimum. The national minimum wage, coupled with extensive social benefits, provided a decent standard of living for a worker and family. Minimum wages in the private sector were set in biennial, nationwide collective bargaining meetings (see Section 6.b.), which lead to formal agreements signed in the

National Labor Council and made mandatory by royal decree for the entire private sector. In the public sector, the minimum wage is determined in negotiations between the Government and the public service unions. The Ministry of Labor effectively enforces the law regarding minimum wages. By law the standard workweek cannot exceed 39 hours, and work on Sundays is prohibited. Many collective bargaining agreements set standard workweeks of 35 to 38 hours. The law requires overtime pay for hours worked in excess of the standard. Work done from the 9th to the 11th hour per day or from the 40th to the 50th hour per week were considered allowable overtime. Longer workdays were permitted only if agreed upon in a collective bargaining agreement. These laws and regulations were enforced effectively by the Ministry of Labor and the labor courts.

There are comprehensive provisions in the law for worker safety. In some cases, collective bargaining agreements supplemented these laws. Workers had the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and the law protects workers who file complaints about such situations. The Labor Ministry implemented health and safety legislation through a team of inspectors and determined whether workers qualify for disability and medical benefits. The law mandates health and safety committees in companies with more than 50 employees. Labor courts effectively monitored compliance with national health and safety laws and standards.

f. Trafficking in Persons

The law defines and criminalizes trafficking in persons; however, the country was both a transit point and destination for trafficking in women and children. Despite legislation that offered protection and continued residence in the country to victims of trafficking who come forward, both governmental and nongovernmental sources indicated a continuing rise in trafficking, particularly of women and minors for sexual exploitation. There were isolated reports that individual government employees accepted bribes to assist trafficking groups.

While a growing number of victims did come forward, it rarely led to the identification or capture of the traffickers. Traffickers not only moved their victims frequently from city to city within the country, but also used the EU's open borders to move victims from country to country. Freedom of movement also made it easy for traffickers to evade arrest if one of their victims went to the authorities.

An interdepartmental committee provided coordination and communication between the various agencies and ministries involved in combating trafficking. This committee met several times annually under the auspices of the Center for Equal Opportunity and the Fight Against Racism. A magistrate was designated in each judicial district to supervise cases involving trafficking. The newly created Federal Prosecutor's Office was in charge of coordinating the various antitrafficking initiatives. Antitrafficking units also were established in the federal and local police forces; the Government has not compiled data in recent years on the number of persons arrested under the human trafficking law. Sentences for persons convicted under the law ranged from approximately 2 to 6 years' imprisonment and fines of approximately \$2,000 to \$10,000 (2,000 to 10,000 euros). However, at least some of the convictions were related only indirectly to trafficking. Relevant police agencies and magistrates investigated these cases, and legal action was taken against officials who abused their authority to help traffickers. The Government did not set a date for the trial but stated that it expects one to begin in 2003.

Since 1994 the majority of cases involved victims of either sexual or economic exploitation from sub-Saharan Africa (especially Nigeria), Central and Eastern Europe, and Asia (especially China). The victims of sexual exploitation increasingly were women under age 18. Nigerian and Albanian victims usually were young women between the ages of 21 and 30 trafficked for prostitution. Chinese victims often were young men trafficked for manual labor in restaurants and sweatshops. There were also occasional reports that boys as young as 12 or 13 years were brought into the country from West Africa and Latin America with false documents by soccer agents for tryouts with local clubs. Boys who failed to gain a contract sometimes were abandoned by their agents and ended up on the streets.

In 1996 authorities uncovered a suspected pedophile/child pornography and trafficking ring. Five suspects remained under investigation, including the accused ringleader, Marc Dutroux, who was arrested and charged with murder. Dutroux was indicted on pedophile/child pornography and trafficking charges in December; a date for his trial had not been set by year's end. The lengthy delay in bringing the pedophile and trafficking case against Dutroux to trial continued to fuel widespread public criticism about the investigation of the case and the judicial system in general.

Under the law, victims of trafficking who provide evidence against the trafficker may be granted temporary residence and work permits and were eligible to receive significant financial assistance from government-funded reception centers managed by nongovernmental organizations (NGOs). In each of the three regions in the country (Wallonia, Flanders, and Brussels), the Government designated and subsidized a nonprofit organization to provide

such assistance. At the conclusion of legal proceedings against their traffickers, victims generally were granted permanent residence status and unrestricted work permits. The rights of victims were respected in practice, and they were not treated as criminals. The Center for Equal Opportunity and the Fight Against Racism reported that shelters assisted 230 persons in 2000, primarily victims of sexual exploitation; the Center has not maintained these statistics.

The Ministries of Interior and Foreign Affairs worked closely together to assign antitrafficking liaison officers to Belgian embassies in countries of origin, including Albania, Cote d'Ivoire, the Democratic Republic of the Congo, Guinea, Kazakhstan, and Ukraine. These officers gathered information about local conditions and trafficking trends and assisted in establishing antitrafficking information campaigns for the local population.

The Government worked closely with the IOM to develop programs to combat trafficking and to assist its victims. For example, the Government provided funding for information campaigns in countries of origin to warn women of the dangers of trafficking. It also provided funding to the IOM to assist the voluntary return of victims to their home countries and to assist them in readjusting once they had returned home. The Government worked closely with and supported NGOs that combat trafficking.